

Crl.R.C.(MD) No.418 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Crl.R.C.(MD)No.418 of 2025

M.Marimuthu

: Petitioner

Vs.

State rep.by the Inspector of Police,
Thiruchuzhi Police Station,
Virudhunagar District.
Crime No.208 of 2022.

: Respondent

Prayer : This Criminal Revision has been filed under Section 438 r/w 442 of B.N.S.S., to call for the records and set aside the condition (1) imposed by the learned District Munsif cum Judicial Magistrate, Thiruchuzhi, in so far as the condition that the petitioner to deposit Rs.75,000/- to the credit in CrI.M.P.No.463 of 2024, dated 06.07.2024.

For Petitioner : Mr.P.T.Ramesh Raja

For Respondent : Mrs.M.Aasha,
Government Advocate (Crl. Side)



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ORDER

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This Criminal Revision Petition is filed seeking orders to set aside the condition (1) imposed by the learned District Munsif cum Judicial Magistrate, Thiruchuzhi, in CrI.M.P.No.463 of 2024, dated 06.07.2024.

2. The petitioner claims to be the owner of the vehicle/Ashok Leyland Lorry bearing registration No.TN-67-D-9333. On 04.10.2022, the respondent police seized the vehicle bearing registration No.TN-67-D-9333 in connection with the case in Crime No.208 of 2022 for the offences under Section 379 of IPC and 21(1) of MMDR Act.

3. It is not in dispute that the petitioner has approached the learned District Munsif cum Judicial Magistrate, Thiruchuzhi, for returning of the said vehicle in Cr.M.P.No.463 of 2024 and the learned District Munsif cum Judicial Magistrate, Thiruchuzhi, vide order dated 06.07.2024, has allowed the petition with certain conditions that the petitioner shall deposit a sum of Rs.75,000/- and on compliance of the condition, the above vehicle bearing registration No.TN-67-D-9333 shall be returned to the petitioner on interim custody. Challenging the above said condition, the above Criminal Revision came to be filed before this Court.



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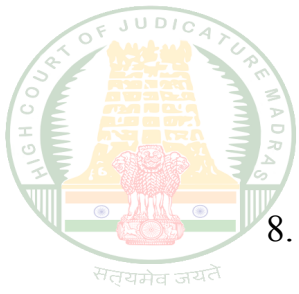
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4. The learned counsel appearing for the petitioner would submit that the value of the vehicle is very low and the first condition to deposit a sum of Rs.75,000/- is onerous. He would further submit that the vehicle is in custody for the past two years.

5. The learned Government Advocate (Criminal Side) appearing for the State would submit that the value of the vehicle is nearly Rs.7 lakhs.

6. The main grievance of the petitioner is that the conditions imposed by the learned Judicial Magistrate in directing the petitioner to deposit a sum of Rs.75,000/-, is onerous and that the value of the vehicle will be deteriorated due to the exposure to sun and rain.

7. Considering the above facts and circumstances of the case and also taking note of the submission made by the learned counsel appearing for the petitioner that the condition No.(1) imposed by the learned District Munsif cum Judicial Magistrate, Thiruchuzhi, is onerous, this Court is inclined to modify the condition.



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8. In the result, this Criminal Revision Petition is partly-allowed. The order of the learned District Munsif cum Judicial Magistrate, Thiruchuzhi, made in Cr.M.P.No.463 of 2024, dated 06.07.2024, is modified in respect of the condition No.(1) alone and it is modified to the effect that the petitioner shall deposit a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** as non-refundable for the vehicle to the credit of the District Mineral Foundation Trust, Virudhunagar District and the petitioner shall execute a bond for a sum of **Rs.3,00,000/-** with two sureties for a like sum each to the satisfaction of the learned District Munsif cum Judicial Magistrate, Thiruchuzhi, and on compliance of the condition, the above vehicle bearing registration No.TN-67-D-9333 shall be returned to the petitioner on interim custody. In respect of other conditions, the order of the learned District Munsif cum Judicial Magistrate, Thiruchuzhi, shall remain unaltered.

01.04.2025

NCC : Yes/No
Index : Yes/No
Internet : Yes/No
das



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To:-

- 1.The District Munsif cum Judicial Magistrate,
Thiruchuzhi.
- 2.The Inspector of Police,
Thiruchuzhi Police Station,
Virudhunagar District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR, J.

das

ORDER MADE IN
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